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19 REED, and COASTAL PROTECTION  
RANGERS, INC.  
20

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
23

24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
27 California non-profit public benefit  
corporation,  
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF STEPHEN  
NEUSHUL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

**Date:** February 21, 2017  
**Time:** 10:00 a.m.

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

13 Defendants.

**Judge:** Honorable S. James Otero  
**Ctrm.:** 10C  
1st Street Courthouse

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 I, Stephen Neushul, declare as follows:

16 1. I grew up in Santa Barbara and attended the University of  
17 California at Santa Barbara (UCSB) where I played water polo. I currently  
18 live and work in Santa Barbara County, having moved back to Santa  
19 Barbara from Palos Verdes Estates about three years ago. I have personal  
20 knowledge of the matters set forth in this declaration and, if called as a  
21 witness, could and would testify competently as to its contents.

22 2. I am the founder and CEO of Image Capture Review, iCRco,  
23 which creates high-resolution image management software for various care  
24 delivery systems. Among other things, using technology that I develop, my  
25 company makes and sells digital scanners used in the medical industry.  
26 Before founding iCRco, I designed deployable, sustainable, lightweight  
27 structures for use by NASA at the international space station.

28 3. I am now 54 years old but since age 21, I have been an avid

1 beachgoer and regular surfer. I am passionate about water sports and  
2 surfing, and I have surfed all over California, Hawaii, and other places  
3 around the world. I have enjoyed surfing larger waves and I enjoy surfing  
4 with family and friends. In fact, few things in life give me greater joy than  
5 surfing. Surfing is one of my most favored forms of exercise and  
6 entertainment, and is part of my lifestyle. I surf every day that conditions  
7 allow. At my peak, I probably surfed 4 days per week. When I cannot surf, I  
8 am in a worse mood and am generally less happy.

9       4. My grandfather owned a house in Palos Verdes Estates, which is  
10 where my father and my uncle grew up. My father used to surf Palos  
11 Verdes Cove on a longboard. Palos Verdes Cove, which is located within  
12 Palos Verdes Estates, is a place where a visiting beachgoer might be able to  
13 surf without undue harassment.

14       5. Although I grew up in Santa Barbara, I was aware that Lunada  
15 Bay had a reputation for "localism" where surfers from outside the  
16 community or new to the community would be threatened physically, have  
17 their property damaged, and be threatened verbally.

18       6. About eight years ago, in 2008, I purchased a home in Palos  
19 Verdes Estates near the public library. I knew that Lunada Bay still had a  
20 "locals only" reputation but I wanted to surf there and my house was right  
21 around the corner from the ocean. I understood that I might face  
22 harassment, but I believed that I was just as entitled to surf there as anyone  
23 else and my desire to surf there outweighed any fear I had.

24       7. I remember a large swell on a clear day in January or February  
25 in 2008 or 2009, shortly after moving to Palo Verdes Estates. I have a very  
26 vivid memory of how beautiful the conditions were at Lunada Bay that day.  
27 The waves were exceptionally good: three feet overhead (meaning an  
28 approximately nine-foot wave measured from the trough of the wave to its

1 crest), hollow breaking over a shallow reef, and challenging. These make  
2 for excellent surfing conditions. The waves reminded me of Sunset Beach in  
3 Hawaii, which I had surfed just a few weeks before. But instead of having to  
4 travel to Hawaii, these waves were close to my home in Los Angeles  
5 County. Indeed, they were in my new neighborhood. With my more than 20  
6 years of significant surfing experience, and given that I had just returned  
7 from surfing several weeks on the North Shore of Hawaii, the waves at  
8 Lunada Bay that day fell easily within my skill level. I was in good condition  
9 and had the ability to safely catch many waves. Notwithstanding Lunada  
10 Bay's reputation for violence and related threats, I decided to surf there by  
11 myself that day. But I was considered an uninvited guest.

12 8. I drove to Lunada Bay from my new home – approximately a  
13 seven-minute drive – and I parked my car along Paseo del Mar. I changed  
14 into my wetsuit on top of the bluff near my car and headed down a steep trail  
15 nearest the north point of Lunada Bay. As I made my way down the trail,  
16 small rocks started landing near me and one even hit my board. More rocks  
17 started coming at me as I reached the shoreline. I believed someone or a  
18 group of people were heckling me by throwing the rocks, but I ignored it and  
19 got into the water with my surfboard. I paddled straight out, south of where  
20 the waves were breaking, through deeper water. I then sat on my board  
21 while I respectfully waited for my turn to catch a wave.

22 9. Almost immediately upon paddling out, a young high-school-age  
23 surfer who I estimate was about 18 years old approached me on his  
24 surfboard and began yelling obscenities at me. I did not know him, but he  
25 started calling me a "kook" and told me that I could not surf Lunada Bay.  
26 With his threats and gestures, he was attempting to provoke and intimidate  
27 me in an effort to get me to leave. This young surfer then started shadowing  
28 my movements, as if he was assigned to me, and was sitting uncomfortably

1 close to me on his surfboard, purposefully blocking my paddling to prevent  
2 me from catching waves. An older surfer joined with similar hostile  
3 comments and movements. The older surfer became even more aggressive  
4 in his comments and actions. Their efforts appeared coordinated and others  
5 in the water then joined in. I believed they were picking on me because I  
6 was new. If this had happened on land, it would have been similar to being  
7 "jumped" in a rough neighborhood. That is how it felt to me. It felt lawless.

8 10. Then, I saw a familiar face. I saw a surfer about my age who I  
9 recognized as the real estate agent, Brooks Bennett, who had sold me a  
10 previous home in nearby Redondo Beach. He was in the water, sitting on  
11 his surfboard further away from the coast, waiting for larger waves. I yelled  
12 an acknowledgment to the familiar face and he pretended not to know me  
13 and paddled further away.

14 11. At that point, having been in the water for about 30 minutes, I  
15 was positioned for a good wave and I paddled into it. I was standing up and  
16 riding the wave first. By traditional surf standards, it was my wave to surf.  
17 But one of the local surfers purposefully dropped in on that wave right in  
18 front of me, dangerously causing me to fall over a shallow rock reef. The fall  
19 substantially damaged my surfboard and I cut my hand. In my experience  
20 as a lifelong surfer, combined with the harassment I had just suffered, I am  
21 confident the other surfer dropped in on me purposefully to ruin my  
22 experience at Lunada Bay, to discourage me from coming back, and to put  
23 me in harm's way. I believed this surfer's acts and those of the others who  
24 had been harassing me were coordinated.

25 12. At that point I had had enough and so I paddled back to the  
26 shore. As I started walking back up towards my car, my former real estate  
27 agent, Brooks Bennett, approached me from behind. He explained that I  
28 couldn't just come to Lunada Bay expecting to surf, that there was a certain



1 protocol to follow. He said that first I would have sit on my board and watch  
2 others catch waves. After some period of time of "showing respect" and  
3 only after being granted permission, I might then be allowed to surf. I was  
4 furious and found his explanation of this process to be abhorrent.

5 13. I did not file a complaint with the Palos Verdes Estates Police  
6 Department because the experience was so unpleasant that I wanted to  
7 forget about it. Unfortunately, I have been unable to do so.

8 14. A good friend of mine had a similar experience at Lunada Bay,  
9 but he has since passed away.

10 15. The efforts of the Lunada Bay local surfers that day worked.  
11 Their actions were so unpleasant and upsetting to me that I never went back  
12 to Lunada Bay to surf. I lost sleep because of it. While I have surfed all  
13 over California and the world, I have never experienced localism like that  
14 anyplace else.

15 16. Eventually, about three years ago in 2013, I moved out of Palos  
16 Verdes Estates and returned to Santa Barbara County.

17 17. I am passionate about visiting different beaches, surfing, and  
18 being outdoors. Beyond exercise, I view surfing as a way to enjoy nature,  
19 the beauty of the Pacific Ocean, and as a way to express myself. Lunada  
20 Bay is a unique, large, Southern California right-breaking point wave in a  
21 beautiful setting surrounded by urban Los Angeles. I hope to return to  
22 Lunada Bay with my children and safely surf there one day free of threats  
23 from local gang members. In my view, because it is a public beach,  
24 everyone should be allowed to enjoy it.

25 18. In addition to surfing without threats, I want the Palos Verdes  
26 Estates Police Department to enforce the law at Lunada Bay and make it  
27 safe for the public to access the area. I also want the City to improve  
28 signage, trail access, landscaping, seating, and similar amenities to make it

1 clear to the public that Lunada Bay is a public place for all to enjoy. In  
2 particular, trail improvements would help. I want to visit Lunada Bay freely  
3 without fear of the harassment that I have already suffered.  
4

5 I declare under penalty of perjury under the laws of the United States  
6 of America that the foregoing is true and correct. Executed in Santa  
7 Barbara, California on December 13<sup>th</sup>, 2016.

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11 STEPHEN NEUSHUL  
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